

Message Text

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PAGE 01 MEXICO 08703 012138Z
ACTION L-03

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E.O. 11652: N/A

TAGS: EIND, EINV, MX

SUBJECT: MEXICAN PATENT AND TRADEMARK LAW

REF: 76 STATE 301585

1. IN PARAGRAPH TWO OF REFTEL DEPARTMENT WAS REPORTED PLANNING TO FORWARD TO US TEXT OF AIDE MEMOIRE ON THE NEW MEXICAN PATENT LAW WHICH WE COULD DELIVER TO GOM. WE BELIEVE THE TIME HAS COME TO GIVE TO THE GOM OUR VIEWS ON THE SUBJECT AND WOULD APPRECIATE RECEIVING THE TEXT IF DEPARTMENT STILL WISHES TO PURSUE MATTER.

2. WE HAD HEARD FROM SEVERAL SOURCES OVER LAST TWO MONTHS THAT GOM WAS AGAIN TRYING TO DRAFT REGULATIONS TO SOFTEN THE IMPACT OF VARIOUS PROVISIONS OF THE LAW, PARTICULARLY THOSE COVERING TRADEMARKS. REPORTEDLY, DE OTEYZA, SECRETARY OF PATRIMONY, IS DIRECTLY SOLICITING THE VIEWS OF THE NATIONAL ASSOCIATION OF CORPORATION LAWYERS ON MAKING ITS APPLICATION "MORE FLEXIBLE." HENCE, IF WE ARE EVER TO PRESENT OUR VIEW ON THE LAW, EVEN IF JUST FOR THE RECORD, NOW IS THE TIME TO DO SO. WE DO NOT BELIEVE WE CAN GAIN ANYTHING MORE BY WAITING, AND WE LOSE NOTHING BY TRYING.

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3. THE GOM IS TRYING TO ENCOURAGE ADDITIONAL FOREIGN DIRECT INVESTMENT BUT SO FAR HAS GIVEN NO INDICATION THAT IT WOULD CONSIDER A CHANGE IN ITS "GROUND RULES" FOR SUCH INVESTMENT. WE DOUBT THAT IT WILL MAKE ANY CHANGES IN THE LAW ON PATENTS AND TRADEMARKS REGARDLESS OF THE STRENGTH OF THE CASE WE PRESENT THAT THE GOM HAS VIOLATED ITS TREATY OBLIGATIONS. NEVERTHELESS, OUR REPRESENTATION

AT THIS TIME COULD RESULT IN MORE "FLEXIBLE" REGULATIONS.
OF COURSE WHETHER SUCH REGULATIONS WOULD ACTUALLY MAKE
ADDITIONAL U.S. BUSINESS INVESTMENT IN MEXICO MORE ATTRAC-
TIVE IS A MOOT POINT. WE HAVE OUR DOUBTS ON THIS POINT AT
THIS TIME. THOMPSON

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